

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:	:	CASE NO. 15-50958
	:	
JAMES J. COX	:	CHAPTER 13
	:	
DEBTOR	:	JUDGE CHARLES M. CALDWELL

MOTION TO MODIFY CHAPTER 13 PLAN

Now comes Debtor, by and through counsel, pursuant to Local Bankruptcy Rule 3015-2(e), and respectfully requests that this Court modify his Chapter 13 plan to correct a typographical error in Section A(3). Debtor's reasons are set forth more fully in the memorandum in support below.

Respectfully submitted,

/s/ David A. Bhaerman
David A. Bhaerman (0077686)
Attorney for Debtor
19 West Columbus Street
Pickerington, Ohio 43215
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MEMORANDUM IN SUPPORT

This case was filed on February 23, 2015, and confirmed on April 25, 2015; the confirmed Chapter 13 plan pays a 100 percent dividend to unsecured creditors. The Debtor has an applicable commitment period of thirty-six (36) months, but the anticipated time to complete the plan, both at confirmation and now at the time of this proposed modification, is sixty (60) months, so the proposed modification will not extend the length of the plan. To date, the Debtor has paid \$1,174.08 into the plan, according to information available on the Chapter 13 Trustee's website. The Debtor's plan has not previously been modified.

The Debtor's confirmed Chapter 13 plan includes a typographical error in Section A(3) regarding attorney compensation. This error states that the estimated itemized fee under LBR 2016-1(b)(2)(B)

is \$2,700.00, rather than the correct amount of \$3,500.00, as correctly stated in the Attorney Disclosure of Compensation Statement filed with the petition. All other of the Section A(3) information is correct, including the minimum monthly amount and the remaining balance owed to the attorney.

The proposed modification will not modify the rights of the holders of any secured claims under the plan and will not modify the rights of holders of unsecured claims. The dividend to unsecured creditors will remain at 100 percent and the plan payment will remain unchanged; the plan has no length issue. For these reasons, Debtor respectfully requests that this Court allow him to modify his Chapter 13 plan by correcting a typo in Chapter 13 plan section A(3) regarding the agreed-upon attorney compensation to \$3,500.00.

Respectfully submitted,

/s/ David A. Bhaerman
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**CERTIFICATE OF SERVICE AND
NOTICE OF RIGHT TO RESPOND WITHIN 21 DAYS**

James J. Cox has filed papers with the court to obtain an order.

Your rights may be affected.

You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in the motion/objection, then on or before **twenty -one (21) days from the date set forth in the certificate of service for the motion/objection**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to:

170 North High Street, Columbus, Ohio 43215

OR your attorney must file a response using the court's ECF System.
The court must **receive** your response on or before the date above.

You must also send a copy of your response either by 1) the court's ECF System or by 2) regular U.S. Mail to:

David A. Bhaerman, Attorney at Law, 19 West Columbus Street, Pickerington, Ohio 43147
Office of the U.S. Trustee, 170 North High Street, Suite 200, Columbus, Ohio 43215
Office of the Chapter 13 Trustee, 130 East Wilson Bridge Road, Suite 200, Worthington, Ohio 43085

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim and may enter an order granting the relief requested.

Dated: April 29, 2015

/s/ David A. Bhaerman
David A. Bhaerman (0077686)

I hereby certify that on April 29, 2015, a copy of the foregoing MOTION TO MODIFY CHAPTER 13 PLAN was served on the following registered ECF participants, electronically through the court's ECF System at the email address registered with the court:

Asst U.S. Trustee (Col) ustpreion09.cb.ecf@usdoj.gov

Frank M. Pees trustee@ch13.org

Michael B. Willey on behalf of Creditor Tennessee Student Assistance Corp agbankohio@ag.tn.gov

And on the following by ordinary U.S. Mail addressed to:

James J. Cox
3617 South Bank Road
Millersport, Ohio 43046

/s/ David A. Bhaerman
David A. Bhaerman (0077686)